

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

LEE E. MOORE,

Plaintiff(s)

vs.

BETTY MITCHELL, WARDEN,

Defendant(s)

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Case Number: 1:00cv00023

District Judge Susan J. Dlott

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

. . . that the Supplemental Petition (doc. 29) is **GRANTED IN PART AND DENIED IN PART**. The Supplemental Petition is **CONDITIONALLY GRANTED** as to subclaim (B) of the Second Ground for Relief with instructions to the State of Ohio to reduce Petitioner Moore's sentence to life imprisonment or to retry the penalty phase of the case within 180 days. The Supplemental Petition also is **CONDITIONALLY GRANTED** as to the Sixth Ground for Relief, and the subclaim addressing Paragraph 264 of the Supplemental Petition in the Sixteenth Ground for Relief, conditioned upon Moore being permitted an appeal in the Ohio courts with effective assistance of counsel. The Supplemental Petition is **DENIED** as to all other subclaims and Grounds for Relief. Accordingly, Petitioner's Objections (doc. 136) are **GRANTED IN PART AND DENIED IN PART** and the Warden's Objections (doc. 137) are **DENIED**.

1/18/08

JAMES BONINI, CLERK

S/William Miller  
Deputy Clerk

Pursuant to S. D. Ohio Civ. R. 79.2(a) and (b), all models, diagrams, depositions, photographs, x-rays and other exhibits and materials filed or offered in evidence shall be withdrawn by counsel without further Order within six (6) months after final termination of the action. All materials not withdrawn shall be disposed of by the Clerk as waste.